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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,298	06/21/2000	Scott L. Ruthfield	MS1-560US	6997
22801	7590	11/15/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/599,298	Applicant(s) RUTHFIELD ET AL.	
	Examiner Steven P. Sax	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9, 12-46, 48-62, 64-73, 75-78 and 80-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9, 12-46, 48-62, 64-73, 75-78 and 80-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/8/06, 8/31/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The amendment filed 8/31/06 has been entered.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 2-9, 12-46, 48-62, 64-73, 75-78 and 80-87 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,948,135. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim elements of the present invention are covered in the '135 patent as follows:

Present Invention '135 Patent

Claim 4 Claim 9 – note that the document centric functionality and adding to favorites accomplishes word processing, and that the favorites list of visited items is a contacts functionality.

Claims 2-3 Claim 7

Claim 5 Claim 1 esp. para 2

Claim 6 Claim 31

Claim 7 Claim 1

Claim 8 Claims 4, 8, 11 – note that the quick links act as command sets that change with the context of the application program functionality.

Claim 9 Claim 2

Claim 12 Claim 1

Claim 13

Claim 11

Claims 14-46,48-62,64-73,75-78 and 80-87 show the same features as claims 2-9 and 12-13 and are rejected for the same reasons.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2-9,12-46,48-62,64-73,75-78 and 80-87are rejected under 35 U.S.C. 102(e) as being anticipated by Abbott et al (7107539).

6. Regarding claim 4, Abbott et al show a computing system comprising:

a single application program configured to provide:

a single navigable window; multiple different functionalities internal to the single application program to which the single navigable window can be navigated by a user (abstract, Figures 10,11A-C, M-O. 12A-C, Detailed Descr. para 27, 72);

a navigation model that is configured to seamlessly manage the user's navigation activities between the multiple different functionalities within the single application program (Figures 11A-C, M, Detailed Descr. 35, 64) ; and navigation instrumentalities comprising browser-like navigation buttons associated with the single navigable window, the navigation instrumentalities being configured for use by the user to navigate the single window inside individual functionalities and to the different functionalities (Figures 11A-F, M-O, Detailed Descr. para 62, 78, 83) wherein the multiple different functionalities comprise two or more of the following: a web-browser functionality; a planner functionality; an email functionality; a contacts functionality; and a word processing functionality (Detailed Descr. para 78).

7. Regarding claim 5, one of the navigation instrumentalities comprises links associated with each of the multiple different functionalities to which the single navigable window can be navigated (Abbott et al Detailed Descr. para 38, 74, 94, 95).

8. Regarding claim 6, one of the navigation instrumentalities comprises browser-like navigation buttons that can be used, in connection with the navigation model, to navigate the single navigable window inside individual functionalities and between the different functionalities Abbott et al Detailed Descr. para 62, 78, 95).

9. Regarding claim 7, the navigation instrumentalities comprise:
links associated with each of the multiple different functionalities to
which the single navigable window can be navigated (Abbott et al Detailed Descr para
62, 95, 96).; and browser-like navigation buttons that can be used, in connection with
the navigation model, to navigate the single navigable window between
the different functionalities (Abbott et al Detailed Descr. para 74, 78).

10. Regarding claim 8, the single application program is configured to provide at
least one context-sensitive command area that is associated with the single
navigable window, the single application program automatically changing
command sets that are presented to the user within the command area as
the user navigates to different functionalities (Abbott et al Figures 11A-F, M-O, 12A-F).

11. Regarding claim 9, the multiple different functionalities comprise document-
centric functionalities (Abbott et al Detailed Descr. para 78).

12. Regarding claims 12-13, Abbott et al show each of the multiple different
functionalities enables the user to accomplish a different task (Detailed Descr. para 34,
74, 78), wherein the different tasks each relate to a different document type (Detailed
Descr. para 78).

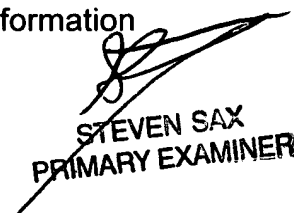
13. Claims 14-46, 48-62, 64-73, 75-78 and 80-87 show the same features as claims 2-9 and 12-13 and are rejected for the same reasons.

14. Previously indicated allowability of claims 2-9, 12-40, 48-62, 67-78 and 80-87 is regrettably withdrawn in view of the aforementioned rejections.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


STEVEN SAX
PRIMARY EXAMINER